

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, October 15, 2012 at
6:00 P.M.**

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

EXECUTIVE SESSION – 6:00 PM

1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (Crown Castle Cell Tower) and (2) Potential Litigation.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:31 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:00 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to authorize the administration to negotiate on behalf of the Town.

On motion of Vice President Long, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

PUBLIC FORUM SESSION

2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

Manuel Mello, 31 Beacon Terrace North, addressed the Council expressing concern that a public hearing has not been held regarding the Fire Department/Public Works proposed building. Mr. Mello noted that he thinks the plans contain too many rooms and frills.

M. Theresa Santos, 214 Morrison Avenue, noted displeasure regarding the many political signs throughout the Town. Ms. Santos recalled a letter from Scenic America to the Council supporting the removal of the billboards.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess as a Council and act as a Board of License commission.

ACTING AS A BOARD OF LICENSE COMMISSION

3. (Public Hearing Advertised)

Application of KJ's Pub, Inc. dba KJ's Pub holder of a Class BV Alcoholic Beverage License, to change its current name to KJ's Pub, LLC dba KJ's Pub on its Retailer's Alcoholic Beverage License for premises located at 61 Aquidneck Avenue, Middletown, Rhode Island.

Public hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

4. Application of KJ's Pub, LLC dba KJ's Pub, 61 Aquidneck Avenue for RENEWAL of its Alcoholic Beverage License for the 2012-2013 licensing year. (Requires Advertising for Public Hearing)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive and advertise said application for public hearing to be heard on November 5, 2012.

5. Communication of Attorney Stephen H. Burke, representing Friends of Easton's Point, Inc., with enclosure, re: Clambake Club of Newport Application for 2013 Renewal of Class D Alcoholic Beverage License.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

6. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2012-2013 licensing year. (See attached list)

Public hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene as a Town Council.

Vice President Long requested #16 and #18 be heard under the regular portion of the docket.

CONSENT

7. Approval of Minutes, re: Regular Meeting, October 1, 2012.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

8. Continued from Regular Meeting, September 17, 2012

Continued from Regular Meeting, September 7, 2012.

Memorandum of Town Administrator, with enclosures, re: Consulting – Kempenaar Valley. (Administration requests item be withdrawn)

On motion of Vice President Long, duly seconded, it was voted unanimously to withdraw said item.

9. Continued from Regular Meeting, September 17, 2012.

Continued from Regular Meeting, September 7, 2012.

Resolution of the Council, re: Consulting – Kempenaar Valley.

(Administration requests item be withdrawn)

On motion of Vice President Long, duly seconded, it was voted unanimously to withdraw said item.

10. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Budget Adjustments as of June 30, 2012.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

11. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012– General Fund.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

12. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012- Parks and Recreation Fund Budget.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

13. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012 – Sewer Fund.

On motion of Vice President Long, duly seconded, it was voted

unanimously to pass said resolution.

14. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012 – Refuse & Recycling Fund.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

15. Memorandum of Accounting Manager, thru Finance Director, re: Tax Collector's report for the period ending September 30, 2012.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and report.

16. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

M. Theresa Santos, 214 Morrison Avenue, questioned the total amount of the Forest Farm abatement and why there are so many abatements.

Tax Assessor George Durgin, responding to Ms. Santos, noted the Forest Farm abatement is by State Law capped at 8% of the gross income; the abatement is a correction to their bill. The other abatements are due to adjustments from a software transition.

17. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

Vice President Long recused himself from acting on the following item of business, due to a possible conflict of interest.

18. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, for the 2012-2013 licensing year. (See attached list)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said applications.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license renewals.

19. Application of Marylous News, Inc. dba Marylous Coffee, 207 East Main Road, for RENEWAL of Additional Hours of Operation License for the 2012-2013 licensing year. (Requires Advertising for Public Hearing)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said application and advertise for public hearing to be held at the November 5, 2012, Regular Meeting of the Council.

LICENSES

20. Application of Peter Calcagni dba Manafont Brothers, Cumberland, Rhode Island for a Drain Layer's License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

21. Application of Hannah Reed dba Slim Possible, 717 Aquidneck Avenue, for a Victualling House License for the 2011-2012 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

PUBLIC HEARING

22. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2012-2013 licensing year. (See attached list)

Public hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

TOWN ADMINISTRATOR COMMUNICATION

23. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Services – Establishment of Town Defined Contribution (DC) Plan – BUCK Consultants.

Town Administrator Shawn Brown reviewed the memorandum and exhibit, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

24. Resolution of the Council, re: Approving Agreement – Set up of Town Defined Contribution (DC) Plan - BUCK Consultants.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

25. Memorandum of Town Administrator, with enclosure, re: Request from Forest Avenue School PTG for Playground Equipment.

On motion of Vice President Long, duly seconded, it was voted unanimously to continue said matter to the December 17, 2012, Regular Meeting of the Council.

APPOINTMENTS TO BOARDS & COMMITTEES

26. Appointment of two (2) members to the Middletown Library Board of Trustees for terms expiring September 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Lucie-Anne Dionne-Thomas and Ellrony Williams to the Middletown Library Board of Trustees for terms expiring September 2015.

27. Appointment of two (2) members to the Open Space and Fields Committee for terms expiring November 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Cheryl Boergesson and Arthur Ralph Thomas to the Open Space and Fields Committee for terms expiring November 2015.

28. Appointment of one (1) member to the Middletown Personnel Board for a term expiring December 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Lawrence B. Kestler to the Middletown Personnel Board for a term expiring December 2015.

TOWN ADMINISTRATOR COMMUNICATION

29. Memorandum of Town Administrator, re: Appointment of Substitute Town Solicitor for Zoning Board Petitions.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and appoint Attorney Peter B. Regan as substitute Town Solicitor for the Zoning Board Petitions.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 7:32 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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